

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Mark B. CHANDLER *et al.*

Application No.: Not Yet Assigned

Group Art Unit: Not yet assigned

Filed: October 28, 2003

Examiner: Not yet assigned

For: MICROPARTICLES WITH MULTIPLE  
FLUORESCENT SIGNALS AND METHODS OF  
USING SAME

Attorney Docket No. 215063.02504

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER**  
**37 C.F.R. § 1.56, § 1.97(b)(3) AND § 1.98**

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the practice under 37 C.F.R. § 1.97 (b)(3) and § 1.98, Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO/SB/08A. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

This application is a continuation of 09/639,818 filed August 17, 2000, and claims benefit of 60/149,225 filed August 17, 1999. All references cited in attached PTO/SB/08A are of record in the parent case; therefore, no copies are being provided herewith.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each, any, or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the present application and Applicant

determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents. Further, Applicant reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied as prior art against the claims of the present application.

### **CONCLUSION**

It is respectfully requested that the attached information be considered by the Examiner and that a copy of the attached Form PTO/SB/08A be returned indicating that such information has been considered.

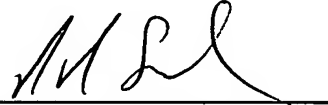
Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

### **AUTHORIZATION**

Applicant believes there is no fee due in connection with this filing as this Information Disclosure Statement is being filed prior to any Office Action on the merits in this matter. However, to the extent required, the Commissioner is hereby authorized to

charge any fees due in connection with this filing to Deposit Account 50-1710 or credit any overpayment to same.

Respectfully submitted,



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Dated: October 28, 2003

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of

2

**Compleat if Known**

Application Number	Not Yet Assigned
Filing Date	October 28, 2003
First Named Inventor	Mark B. CHANDLER et al.
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	215063.02504

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 4,279,617	07-21-1981	Masson et al.	
		US- 4,774,189	09-27-1988	Schwartz	
		US- 4,987,539	01-22-1991	Moore et al.	
		US- 5,073,498	12-17-1991	Schwartz et al.	
		US- 5,093,234	03-03-1992	Schwartz	
		US- 5,194,300	03-16-1993	Cheung	
		US- 5,326,692	07-05-1994	Brinkley et al.	
		US- 5,567,627	10-22-1996	Lehnen	
		US- 5,641,634	06-24-1997	Mandecki	
		US- 5,736,330	04-07-1998	Fulton	
		US- 5,747,349	05-05-1998	van den Engh et al.	
		US- 5,759,793	06-02-1998	Schwartz et al.	
		US- 5,786,219	07-28-1998	Zhang et al.	
		US- 5,872,015	02-16-1999	Venton et al.	
		US- 5,981,180	11-09-1999	Chandler et al.	
		US- 6,043,066	03-28-2000	Mangano et al.	
		US- 6,268,222	07-31-2001	Chandler et al.	
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		WO 97/20074	06-05-1997	Wlodek MANDECKI		
		WO 99/01577	07-14-1999	Hexagen Technology Limited		
		WO 99/37814	07-29-1999	Luminex Corporation		

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	Not Yet Assigned
		Filing Date	October 28, 2003
		First Named Inventor	Mark B. CHANDLER et al.
		Art Unit	Not Yet Assigned
		Examiner Name	Not Yet Assigned
Sheet 2	of 2	Attorney Docket Number	215063.02504

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		McHUGH, T.M., Methods in Cell Biology, 2nd Ed., Part B, Flow Microsphere for the Quantitative and Simultaneous Detection of Multiple Soluble Analytes. 1984, Vol. 42, Chapter 33, pages 575-594.	
		International Search Report for PCT/US99/01315, April 7, 1999.	
		International Search Report for PCT/US00/22543, October 25, 2000.	

Examiner Signature		Date Considered	
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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